## REMARKS

### A. Introduction

Claims 1-26 are pending and under consideration in the application.

In the Office Action of March 24, 2008 ("the FINAL Office Action") claims 1-3, 6-23, and 25 were rejected as anticipated, claims 24 and 26 were rejected as obvious, and claims 4 and 5 were indicated to contain allowable subject matter.

In response, claim 4 has been rewritten in independent form and various claims have been slightly amended for clarity. No new matter is presented. The rejections are traversed.

### B. Allowable Subject Matter

Applicant notes with appreciation the indication that claims 4 and 5 are allowable if rewritten in independent form. Claim 4 has been rewritten in independent form and includes all of the limitations of previous base claim 1. Claim 5 depends from independent claim 4.

Accordingly, withdrawal of these rejections and allowance of these claims are solicited.

### C. Rejection under 35 USC §102(b)

Claims 1-3 and 6-23, and 25 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,569,713 to Lieberman. The rejections are traversed.

The Examiner states that "Lieberman discloses polymer recycling methods and apparatuses suitable for recycling and rejuvenating post-consumer plastic materials comprising a variety of polymers includes ABS, SAN (AS), polycarbonate, polystyrene etc. and mixtures thereof (abstract and column 5, lines 10-54)." *See* the non final Office Action, page 3. The Examiner goes on to state "[t]he methods are disclosed as comprising sorting, particulating, testing, addition of rejuvenating agents, extruding (melting), testing and certifying (column 5, lines 3-9 and Fig. 1). *Id*.

However, Lieberman does not disclose all of the limitations recited within the claims. For instance, Lieberman does not appending history of a plastic to the plastic. As such, Lieberman

fails to teach or suggest, *inter alia*, "appending recycle history information including the physical property to said reclaimed plastic," as recited in independent claim 25.

The Examiner argues "the step, [of Lieberman], of passing the recycled plastic on to its final use constitutes an indicator of the history of the material as passing one of the many tests disclosed by the reference." *See* the FINAL Office Action, page 2. This argument is not correct because merely observing that Lieberman processes the plastic or "pass[es] the recycled plastic on to its final use" is not the same as "appending…information…to said reclaimed plastic." Notably, one of the benefits of the present general inventive concept is that any recycled plastic produced is easier to recycle in the future because the plastic's recycle history information is appended on the plastic. *See* Specification, paras. 109 and 114. Conversely, once the Lieberman plastic reaches "its final use," one does not have the benefit of obtaining recycle history information from the plastic. As such, Lieberman does not disclose or suggest all of the limitations recited in independent claim 25.

Likewise, independent claims 1 and 19-23 also recite "an indicator which indicates said measured physical property value on said reclaimed plastic to provide recycle history information on said reclaimed plastic." Thus, claims 1 and 19-23 are also patentably distinguishable from Lieberman for at least the reason that Lieberman fails to indicate recycle history information on the plastic.

Accordingly, because Lieberman does not teach or suggest all of the limitations set forth in independent claims 1, 19-23, and 25, these claims are patentably distinguishable over Lieberman, and withdrawal of these rejections and allowance of these claims are respectfully solicited. Likewise, claims 2, 3, 6-18, 24, and 26 depend from and include the limitations of at least one of independent claims 1, 19-23, and 25, and are also patentable over Lieberman for at least the same reasons as independent claims 1, 19-23, and 25.

In addition, at least claims 6 and 17 are patentable over Lieberman for further reasons.

Regarding claim 6, Lieberman fails to disclose a process to handle resins containing an antistatic agent. As such, Lieberman fails to teach or suggest, *inter alia*, "a separator which separates and removes a resin containing an antistatic agent to yield a remaining part having no

antistatic agent," as recited in claim 6. While the Examiner argues that "a sorter which separates resins containing an anti-agent from other resins based on some other criteria such as type of resin etc. meets this limitation," the Examiner's hypothetical is not the same as separating an antistatic agent from a material to yield a material free of antistatic agent. Notably, the present general inventive concept provides the benefit of yielding a more uniform reclaimed resin by removing an antistatic agent prior to crushing, etc. *See* Specification, para. 81.

Regarding claim 17, the Examiner does not attempt to point out, nor does Lieberman disclose or suggest, "an eraser to erase information recorded on said used magnetic recording product," as recited in claim 17.

Accordingly, because Lieberman does not teach or suggest all of the limitations set forth in claims 6 and 17, these claims are patentably distinguishable over Lieberman, and withdrawal of these rejections and allowance of these claims are respectfully solicited.

**D. Finality**

Applicant objects to the Examiner's issuance of a FINAL office action for at least the reason that claims 4 and 5 were not previously examined in the prior non final office action of July 26, 2007. Merely indicating that previously unexamined claims 4 and 5 are now allowable does not relieve the examiner of his duty to examine every claim on the merits in every office action so that Applicant may respond accordingly. For instance, had the Examiner examined claims 4 and 5 within the first office action and indicated that these claims are allowable, Applicant would have certainly exercised Applicant's right to adjust prosecution accordingly. Instead, Applicant has been denied this right. Thus, because this FINAL office action is the first office action to address claims 4 and 5, this FINAL office action is premature.

Additionally, the elements recited in various claims including claims 5 and 17 have not been addressed in any office action. The Examiner's blanket rejection, i.e., "Lieberman '713 discloses polymer recycling methods and apparatuses suitable for recycling and rejuvenating post consumer plastic materials…comprising sorting, particulating, testing, addition of rejuvenation agents, extruding (melting), testing and certifying," is deficient and does not

address the limitations recited in claims 5 and 17, as well as other limitations recited by other claims. *See* the non final Office Action, page 6.

Accordingly, the finality of the present office action is premature and Applicant requests either allowance of the claims or a new, non-final office action with all of the claims properly examined.

**E. Conclusion**

It is respectfully submitted that a full and complete response has been made to the outstanding Office Action and as such, there being no other objections or rejections, this application is in condition for allowance, and a notice to this effect is earnestly solicited.

If any further fees are required in connection with the filing of this amendment, please charge the same to our Deposit Account No. 19-3140.

Respectfully submitted,
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